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10/577,574	06/01/2007	Isabelle Kubica	5284-68PUS	7476
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EXAMINER MAGLO, EMMANUEL K				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,574

**Applicant(s)**

KUBICA ET AL.

**Examiner**

EMMANUEL MAGLO

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mohan et al. (US 2003/0063590 A1), hereinafter referred to as Mohan.

Regarding claims 1 and 10, Mohan discloses *a system for linking*, (fig. 1 communication system 100), *at least two multimedia terminals*, (handsets 102A and 102B), *connected to each other via a landline or cellular network*, (fig. 1 communication system 100 is capable of both wireless network and landline network) *comprising*:

*an application server*, (multimedia personal call management MPCM server 124); *a memory*, (note the MPCM server 124 contains memory capacity [0041]), *that contains multimedia contents that may be chosen by a calling person*, ([0071]-[0072]: The MPCM service sends a menu of choices to the caller based on a subscribed service profile, the profile of the called party and/or the content stored on the server. The content stored on the server includes the calling parties' uploaded multimedia clips), *wherein said server comprises means for managing entities of the network*, ([0024], [0027], the MPCM service manages the call placed over the communication system 100, and based at least in part on the multimedia data related to a call sent by a calling party to a called

party), *in order to synchronize the signaling of a call from a terminal of a calling person to a terminal of a called person with a multimedia content chosen by said calling person*, (note figs. 6-9 depicts the call signaling sequence illustrating the signaling synchronization of a call from a terminal of a calling person (fig. 5, person with terminal 120A) to a terminal of a called person (fig. 5 person with terminal 120B).

Regarding claim 2, Mohan discloses *a method of linking at least two multimedia terminals connected to each other via a landline or cellular network*, (fig. 1 communication system 100 is capable of both wireless network and landline network; the system connects multimedia terminals through MPCM service via server 124) *wherein, before a call from the terminal of a calling person to the terminal of a called person, the calling person chooses a multimedia content to be sent to the terminal of the called person*, (fig. 6 steps 4 and 5 [0076]: the caller selects a media clip (e.g., including audio data and/or video data and/or non-medium specific data) for transmission to the called party), *and said multimedia content is received by the terminal of the called person synchronously with the reception of the signaling of the call*, (the MPCM service connects (7B, 7C) the called party via a switch. If a soft switch is employed, suitable bindings for a media channel are established for sending a multimedia message (in this example a voice clip) to the called party; [0076]).

Regarding claim 3, Mohan discloses that *the multimedia content received by the terminal of the called person is displayed conjointly with or after another multimedia content personalized beforehand by the called person*. ([0077]: the MPCM service sends (7D) the recorded voice clip to the called party. Note that the voice clip is

displayed together with the MPCM service sends (8) a menu of options to the called party based on the called party's profile),

Regarding claim 4, Mohan discloses *the multimedia content received by the terminal of the called person by default remains displayed on said terminal throughout the call, the called person being able at any time during the call to delete the display of said content*, (fig. 6 step 9 as illustrated, then the MPCM service applies (9) the default selection (for example, the MPCM service forwards the call to a mail box). [0035]: note a location server or MMS user agent provides a user with the ability to view, compose, and handle (at any time) multimedia messages (including sending, receiving, and deleting messages)

Regarding claim 5, Mohan discloses *the display of said multimedia content on the terminal of the called person disappears when the call is terminated* ([0078]: call termination is pro The MPCM service releases (12A and 12B) the call once the caller hangs up. The MPCM service disconnects (13) the call. Note, the menu selection disappears),

Regarding claim 6, Mohan discloses *if the called person does not answer, the call and the multimedia content are stored in the voicemail of the terminal of the called person and appear when the voicemail is consulted*. (0078]: the MPCM service stores (14) the caller's message in the mailbox. In addition [0035]: the mailbox located on server or MMS user agent provides a user with the ability to view, compose, and handle (at any time) multimedia messages).

Regarding claim 7, Mohan discloses that *if the called person does not respond and is in*

*the network coverage area, the multimedia content is stored in the call log of the called person's terminal, ([0078]. In addition the multimedia files, [0042], the transaction log 174 contains information regarding date and time of call, calling and called party phone number, multimedia file transferred, size of the file, call duration, and call control path selected by the called party)*

Regarding claim 8, Mohan discloses *before a call, the calling person associates a multimedia content with at least one person to be called, ([0086]: the system checks 196 the device profile of the called party. Note this is done following the authentication step 194)*

Regarding claim 9, Mohan discloses *at the time the calling person sets up a call to a called person, the calling person associates a multimedia content with said called person and with the situation relating to the call. ([0089]- [0091]: a salesman can initiate a call by supplying a product video clip (associates a multimedia content), to the called party when the sales person calls, based on the subject specified (in this example, information concerning a laptop (situation relating to the call)),*

Regarding claim 11, Mohan discloses *a communications terminal including means for selecting a person to be called, (fig. 5 element 102A or 102B), said terminal including: means for associating a multimedia content with one or more persons to be called by said terminal, (a caller calls a number using a device, e.g., 102A. Note the phone is operatively connected to client 130 (fig. 2) and can be a multimedia (MM) phone 180 having a user interface 182 that allows the user to describe, insert, update, and delete a multimedia clip. The MM phone can include a multimedia player such as an audiovisual*

(AV) player 184 that can play audio and/or video data clips; and means for setting up a call to a terminal belonging to said person to be called conjointly with sending said multimedia content, (130 include a conventional phone 192 and a cell phone 188 having a user interface 190 and MM phone 180 further includes application software 186).

Regarding claim 12, Mohan discloses *said server* (MPCM service 124) *further comprises means for adapting the multimedia content to the capabilities of the terminal of the called person*, (the MPCM service 124 also includes a device profile handler 154 that communicates with the database 126 or the SPI 138 depending on whether the device profile is stored in MPCM database. The device profile handler 154 formats data appropriately depending on the capabilities of registered user devices. For example, depending on a called party device profile, the device profile handler 154 selects one of the TTS, MMS, SMS, or WAP services and may adapt the multimedia data to the called party's device capability. The DP handler 154 also communicates with device capability server 153; [0034]).

Regarding claim 13, Mohan discloses *server of claim 10, further comprising means for adapting the multimedia content to the capabilities of the called person's terminal*, (the MPCM service 124 (server) also includes a device profile handler 154 that communicates with the database 126 or the SPI 138 depending on whether the device profile is stored in MPCM database. The device profile handler 154 formats data appropriately depending on the capabilities of registered user devices. For example, depending on a called party device profile, the device profile handler 154 selects one of

the TTS, MMS, SMS, or WAP services and may adapt the multimedia data to the called party's device capability. The DP handler 154 also communicates with device capability server 153; [0034]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL MAGLO whose telephone number is (571)270-1854. The examiner can normally be reached on Monday - Thursday 7:00 - 4:30 and every other Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2419

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January 22, 2009

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